



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Preproposal Statement of Inquiry was filed as WSR 14-21-137 on 10/21/14
 or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
 WAC 220-56-350, Clams other than razor clams, mussels – Areas and seasons; and
 WAC 220-56-380, Oysters – Areas and seasons

Hearing location(s):
 Moses Lake Civic Center
 401 S Balsam
 Moses Lake, WA 98837

Date: March 20-21, 2015 Time: 8:30 a.m.

Submit written comments to:
 Name: Joanna Eide, Rules Coordinator
 Address: 600 Capitol Way N.
 Olympia WA 98501-1091

e-mail Rules.Coordinator@dfw.wa.gov
 fax (360) 902-2155 by (date) March 11, 2015

Assistance for persons with disabilities:

Contact Tami Lininger by March 11, 2015
 TTY (360) 902-2207 or (360) 902-2267

Date of intended adoption: On or after April 3, 2015
 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
 An analysis of clam and oyster survey data, sport harvest projections, and negotiations affecting intertidal treaty and non-treaty fisheries allows for recreational clam and oyster seasons to be opened or extended on some public beaches and requires some beaches to be closed or the seasons shortened. This proposal reflects those openings and closures, and general technical changes to ensure clarity of the locations and rules.

Reasons supporting proposal: These amendments will perpetuate shellfish resources while maximizing recreational fishing opportunity and protecting public health.

Statutory authority for adoption: RCW 77.04.012, 77.04.055, and 77.12.047

Statute being implemented: RCW 77.04.012, 77.04.055, and 77.12.047

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
 February 3, 2015

NAME (type or print)
 Joanna Eide

SIGNATURE

TITLE
 Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 03, 2015
TIME: 10:48 AM

WSR 15-04-117

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Richard Childers	375 Hudson Street, Port Townsend, WA 98368	(360) 302-3030
Implementation.... James Scott	1111 Washington Street SE, Olympia, WA 98504	(360) 902-2736
Enforcement..... Steven Crown	1111 Washington Street SE, Olympia, WA 98504	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This rule making only affects recreational shellfish harvesting.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: This proposal does not involve hydraulics.

WAC 220-56-380 Oysters—Areas and seasons. It is permissible to take and possess oysters for personal use from public tidelands year-round except the following restrictions apply to the public tidelands at the beaches listed below:

- (1) Ala Spit: Open May 1 through May 31 only.
- (2) Alki Park: Closed year-round.
- (3) Alki Point: Closed year-round.
- (4) Bangor: Closed year-round.
- (5) Bay View State Park: Closed year-round.
- (6) Brown's Point Lighthouse: Closed year-round.
- (7) Cama Beach State Park: Closed year-round.
- (8) Camano Island State Park: Closed year-round.
- (9) Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.
- (10) Coupeville: Closed year-round.
- (11) Dave Mackie County Park: Closed year-round.
- (12) Des Moines City Park: Closed year-round.
- (13) Discovery Park: Closed year-round.
- (14) DNR-142: Closed year-round.
- (15) DNR-144 (Sleeper): Closed year-round.
- (16) Dockton County Park: Closed year-round.
- (17) Drayton West: Closed, except open April 1 through October 31 only in the area defined by boundary markers and signs posted on the beach.
- (18) Dungeness Spit/National Wildlife Refuge: Open May 15 through September 30 only.
- ~~((18))~~ (19) East San de Fuca: Closed year-round east of the Rolling Hills Glencairn Community dock.
- ~~((19))~~ (20) Fay Bainbridge Park: Closed year-round.
- ~~((20))~~ (21) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open ~~((January 1 through April 15 and))~~ May 15 through December 31 only.
- ~~((21))~~ (22) Freeland County Park: ~~((Closed year-round)) Open April 1 through May 15 only.~~
- ~~((22))~~ (23) Frye Cove County Park: Open ~~((January 1 through May 15))~~ May 1 through May 31 only.
- ~~((23))~~ (24) Golden Gardens: Closed year-round.
- ~~((24))~~ (25) Graveyard Spit: Closed year-round.
- ~~((25))~~ (26) Harrington Beach: Closed year-round.
- ~~((26))~~ (27) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed year-round.
- ~~((27))~~ (28) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.
- ~~((28))~~ (29) Howarth Park: Closed year-round.
- ~~((29))~~ (30) Illahee State Park: Open April 1 through July 31 only.
- ~~((30))~~ (31) Indian Island County Park/Lagoon Beach/Isthmus Beach: Open July 1 through August 15 only.
- (32) Kayak Point County Park: Closed year-round.
- ~~((31))~~ (33) Kitsap Memorial State Park: Closed year-round.
- ~~((32))~~ (34) Kopachuck State Park: Open March 1 through July 31 only.

((+33)) (35) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round.

((+34)) (36) Lincoln Park: Closed year-round.

((+35)) (37) Lions Park (Bremerton): Closed year-round.

((+36)) (38) Little Clam Bay: Closed year-round.

((+37)) (39) Lower Roto Vista Park: Closed year-round.

((+38)) (40) Manchester State Park: Closed year-round.

((+39)) (41) Meadowdale County Park: Closed year-round.

((+40)) (42) Mee-Kwa-Mooks Park: Closed year-round.

((+41)) (43) Monroe Landing: Closed year-round.

((+42)) (44) Mukilteo State Park: Closed year-round.

((+43)) (45) Mystery Bay State Park: Open October 1 through April 30 only.

((+44)) (46) Nisqually National Wildlife Refuge: Closed year-round.

((+45)) (47) North Beach County Park: Closed year-round.

((+46)) (48) North Fort Lewis: Closed year-round.

((+47)) (49) North Tabook Point (~~Hudson~~): Closed year-round.

((+48)) (50) Northeast Cultus Bay: Closed year-round.

((+49)) (51) Oak Bay County Park: Open April 1 through (~~June 30~~) May 31 only.

((+50)) (52) Oak Harbor Beach Park: Closed year-round.

((+51)) (53) Oak Harbor City Park: Closed year-round.

~~((+52)) (54) Old Man House State Park: Closed year-round.~~

~~((+53)) (54) Olympia Shoal: Closed year-round.~~

((+54)) (55) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed year-round except the following are open during the dates specified:

(a) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

(b) North Bay: State-owned reserves are open (~~June 1 through July 31~~) May 1 through May 31 and September 1 through September 30 only.

(c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59 are open year-round.

((+55)) (56) Penrose Point State Park: Open March 1 through May 15 only.

((+56)) (57) Picnic Point: Closed year-round.

((+57)) (58) Pitt Island: Closed year-round.

((+58)) (59) Pleasant Harbor State Park: Closed year-round.

((+59)) (60) Point Defiance: Closed year-round.

((+60)) (61) Point Whitney tidelands (excluding Point Whitney Lagoon): Open January 1 through June 30 only.

((+61)) (62) Port Angeles Coast Guard: Closed year-round.

((+62)) (63) Port Angeles Harbor: Closed year-round.

((+63)) (64) Port Gardner: Closed year-round.

((+64)) (65) Port Townsend Ship Canal/Portage (~~Canal~~) Beach: Open January 1 through July (~~31~~) 15 only.

((+65)) (66) Post Point: Closed year-round.

~~((+66)) (67) Potlatch DNR Tidelands: Open (~~July 1 through August 31~~) June 1 through September 15 only.~~

~~((+67)) (68) Potlatch State Park: Open (~~July 1 through August 31~~) June 1 through September 15 only.~~

((+68)) (69) Priest Point County Park: Closed year-round.

~~((+69))~~ (70) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open ~~((August 1 through August 31))~~ April 1 through April 30 only.

~~((+70))~~ (71) Quilcene Bay Tidelands: All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed year-round except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.

~~((+71))~~ (72) Reid Harbor - South Beach: Closed year-round.

~~((+72))~~ (73) Retsil: Closed year-round.

~~((+73))~~ (74) Richmond Beach Saltwater Park: Closed year-round.

~~((+74))~~ (75) Saltwater State Park: Closed year-round.

~~((+75))~~ (76) Samish Beach: Closed year-round.

~~((+76))~~ (77) Scenic Beach State Park: Closed year-round.

(78) Seahurst County Park: Closed year-round.

~~((+77))~~ ~~Seenie Beach State Park: Closed year-round.~~

~~+78))~~ (79) Semiahmoo: Closed year-round.

~~((+79))~~ (80) Semiahmoo County Park: Closed year-round.

~~((+80))~~ (81) Sequim Bay State Park: Open May 1 through May 31 only.

(82) Shine Tidelands State Park: Open January 1 through May 15 only.

~~((+81))~~ (83) Silverdale Waterfront Park: Closed year-round.

~~((+82))~~ (84) Sinclair Inlet: Closed year-round.

~~((+83))~~ (85) Skagit Wildlife Area: Closed year-round.

~~((+84))~~ (86) South Carkeek Park: Closed year-round.

~~((+85))~~ (87) South Gordon Point: Closed year-round.

~~((+86))~~ ~~South Indian Island County Park: Open July 1 through September 15 only.~~

~~+87))~~ (88) South Mukilteo Park: Closed year-round.

~~((+88))~~ (89) South Oro Bay: Closed year-round.

~~((+89))~~ ~~South Point Wilson (Port Townsend): Closed year-round.~~

(90) Southworth Ferry Dock: Closed year-round.

(91) Spencer Spit State Park: Open March 1 through July 31 only.

(92) Taylor Bay: Closed year-round.

(93) Walker County Park: Closed year-round.

(94) West Pass Access: Closed year-round.

(95) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(96) ~~((Woodard Bay: Closed year-round.~~

~~+97))~~ Wolfe Property State Park: Open January 1 through May 15 only.

(97) Woodard Bay: Closed year-round.

WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons. It is permissible to take, dig for, and possess clams and mussels for personal use on Puget Sound year-round, except the following restrictions apply to the public tidelands at the beaches listed below:

- (1) Ala Spit: Open May 1 through May 31 only.
- (2) Alki Park: Closed year-round.
- (3) Alki Point: Closed year-round.
- (4) Bay View State Park: Closed year-round.
- (5) Belfair State Park: Open January 1 through ~~((August))~~ May 31 only.
- (6) Brown's Point Lighthouse: Closed year-round.
- (7) Cama Beach State Park: Closed year-round.
- (8) Camano Island State Park: Closed year-round.
- (9) Chuckanut Bay: All tidelands of Chuckanut Bay north of the BNSF Railroad trestle are closed year-round.
- (10) Coupeville: Closed year-round.
- (11) Dave Mackie County Park: Closed year-round.
- (12) Des Moines City Park: Closed year-round.
- (13) Discovery Park: Closed year-round.
- (14) DNR-142: Closed year-round.
- (15) DNR-144 (Sleeper): Closed year-round.
- (16) Dockton County Park: Closed year-round.
- (17) Dosewallips State Park: ~~((Closed, except open March 1 through July 15))~~ Open year-round only in the area defined by boundary markers and signs posted on the beach.
- (18) Drayton West: Closed, except open April 1 through October 31 only in the area defined by boundary markers and signs posted on the beach.
- (19) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands: Open May 15 through September 30 only.
- ~~((19))~~ (20) Eagle Creek: Open July 1 through July 31 only.
- ~~((20))~~ (21) East San de Fuca: Closed year-round east of the Rolling Hills Glencairn Community dock.
- ~~((21))~~ (22) Fay Bainbridge Park: Closed year-round.
- ~~((22))~~ (23) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open ~~((January 1 through April 15 and))~~ May 15 through December 31 only.
- ~~((23))~~ (24) Freeland County Park: ~~((Closed year-round))~~ Open April 1 through May 15 only.
- ~~((24))~~ (25) Frye Cove County Park: Open ~~((January))~~ May 1 through May ~~((15))~~ 31 only.
- ~~((25))~~ (26) Garrison Bay: The tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed year-round.
- ~~((26))~~ (27) Gertrude Island: All tidelands at Gertrude Island are closed year-round.
- ~~((27))~~ (28) Golden Gardens: Closed year-round.
- ~~((28))~~ (29) Graveyard Spit: Closed year-round.
- ~~((29))~~ (30) Harrington Beach: Closed year-round.

((+30)) (31) Hoodspport: Tidelands at Hoodspport Salmon Hatchery are closed year-round.

((+31)) (32) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

((+32)) (33) Howarth Park: Closed year-round.

((+33)) (34) Illahee State Park: Open April 1 through July 31 only.

((+34)) (35) Indian Island County Park/Lagoon Beach/Isthmus Beach: Open July 1 through August 15 only.

(36) Kayak Point County Park: Closed year-round.

((+35)) (37) Kitsap Memorial State Park: Closed year-round.

((+36)) (38) Kopachuck State Park: Open June 1 through July 31 only.

((+37)) (39) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round.

((+38)) (40) Lincoln Park: Closed year-round.

((+39)) (41) Lions Park (Bremerton): Closed year-round.

((+40)) (42) Little Clam Bay: Closed year-round.

((+41)) (43) Lower Roto Vista Park: Closed year-round.

((+42)) (44) Manchester State Park: Closed year-round.

((+43)) (45) McNeil Island: All tidelands on McNeil Island are closed year-round.

((+44)) (46) Meadowdale County Park: Closed year-round.

((+45)) (47) Mee-Kwa-Mooks Park: Closed year-round.

((+46)) (48) Monroe Landing: Closed year-round.

((+47)) (49) Mukilteo State Park: Closed year-round.

((+48)) (50) Mystery Bay State Park: Open October 1 through April 30 only.

((+49)) (51) Nisqually National Wildlife Refuge: Closed year-round.

((+50)) (52) North Beach County Park: Closed year-round.

((+51)) (53) North Fort Lewis: Closed year-round.

((+52)) (54) North Tabook Point (~~Hudson~~): Closed year-round.

((+53)) (55) Northeast Cultus Bay: Closed year-round.

((+54)) (56) Oak Bay County Park: Open April 1 through ~~(June 30))~~ May 31 only.

((+55)) (57) Oak Harbor City Park: Closed year-round.

~~((+56) Old Man House State Park: Closed year-round.~~

~~(+57)) (58) Olympia Shoal: Closed year-round.~~

((+58)) (59) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed year-round except as follows:

(a) North Bay: State-owned oyster reserves are open ~~((June 1 through July 31))~~ May 1 through May 31 and September 1 through September 30 only.

(b) Oakland Bay: State-owned oyster reserves open year-round except in areas defined by boundary markers and signs posted on the beach.

(c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59 are open year-round.

((+59)) (60) Penrose Point State Park: Open March 1 through May 15 only.

((+60)) (61) Picnic Point County Park: Closed year-round.

((+61)) (62) Pitship Point: Closed year-round.

((+62)) (63) Pitt Island: All tidelands on Pitt Island are closed year-round.

((+63+)) (64) Pleasant Harbor State Park: Closed year-round.
 ((+64+)) (65) Point Defiance: Closed year-round.
 ((+65+)) (66) Point Whitney (excluding Point Whitney Lagoon):
 Closed year-round.
 ((+66+)) (67) Point Whitney Lagoon: Open January 1 through March
 ((+15+)) 31 only.
 ((+67+)) (68) Port Angeles Coast Guard: Closed year-round.
 ((+68+)) (69) Port Angeles Harbor: Closed year-round.
 ((+69+)) (70) Port Gardner: Closed year-round.
 ((+70+)) (71) Port Townsend Ship Canal/Portage ((Canal)) Beach:
 Open January 1 through July ((+31+)) 15 only.
 ((+71+)) (72) Post Point: Closed year-round.
 ((+72+)) (73) Potlatch DNR tidelands: Open ((July 1 through Au-
 gust 31)) June 1 through September 15 only.
 ((+73+)) (74) Potlatch State Park: Open ((July 1 through August
 31)) June 1 through September 15 only.
 ((+74+)) (75) Priest Point County Park: Closed year-round.
 ((+75+)) (76) Purdy Spit County Park: The southern shore of the
 spit from the boat ramp east to the southern utility tower near Purdy
 Bridge is open ((August 1 through August 31)) April 1 through April 30
 only.
 ((+76+)) (77) Quilcene Bay Tidelands: All state-owned tidelands
 in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to
 Fisherman's Point are closed to the harvest of clams year-round, ex-
 cept those state-owned tidelands on the west side of the bay north of
 the Quilcene Boat Haven are open April 1 through December 31, daily
 from official sunrise to official sunset only.
 ((+77+)) (78) Reid Harbor - South Beach: Closed year-round.
 ((+78+)) (79) Retsil: Closed year-round.
 ((+79+)) (80) Richmond Beach Saltwater Park: Closed year-round.
 ((+80+)) (81) Saltwater State Park: Closed year-round.
 ((+81+)) (82) Samish Beach: Closed year-round.
 ((+82+)) (83) Scenic Beach State Park: Closed year-round.
 ((+83+)) (84) Seahurst County Park: Closed year-round.
 ((+84+)) (85) Semiahmoo: Closed year-round.
 ((+85+)) (86) Semiahmoo County Park: Closed year-round.
 ((+86+)) (87) Sequim Bay State Park: Open ((April 1 through June
 30)) May 1 through May 31 only.
 ((+87+)) (88) Shine Tidelands State Park: Open January 1 through
 May 15 only.
 ((+88+)) (89) Silverdale Waterfront Park: Closed year-round.
 ((+89+)) (90) Sinclair Inlet: Closed year-round.
 ((+90+)) (91) Skagit Wildlife Area: Closed year-round.
 ((+91+)) (92) South Carkeek Park: Closed year-round.
 ((+92+)) (93) South Gordon Point: Closed year-round.
 ((+93+)) South Indian Island County Park: Open July 1 through Sep-
 tember 15 only.))
 (94) South Mukilteo Park: Closed year-round.
 (95) South Oro Bay: Closed year-round.
 (96) ((South Point Wilson (Port Townsend): Closed year-round.
 +97+)) Southworth Ferry Dock: Closed year-round.
 ((+98+)) (97) Spencer Spit State Park: Open March 1 through July
 31 only.
 ((+99+)) (98) Taylor Bay: Closed year-round.
 ((+100+)) (99) Triton Cove Tidelands: Open July 15 through August
 31 only.

((~~101~~)) (100) Twanoh State Park: Open (~~May 1 through May 15~~ and) September 1 through September 30 only.

((~~102~~)) (101) Walker County Park: Closed year-round.

((~~103~~)) (102) West Dewatto: DNR Beach 44A open July 1 through September 30 only.

((~~104~~)) (103) West Pass Access: Closed year-round.

((~~105~~)) (104) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

((~~106~~)) (105) Wolfe Property State Park: Open January 1 through May 15 only.

((~~107~~)) (106) Woodard Bay: Closed year-round.

It is permissible to take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use in Grays Harbor and Willapa Harbor year-round, except from state oyster reserves, which are closed to clam digging year-round.

It is permissible to take, dig for, and possess clams, cockles, borers, and mussels, not including razor clams, for personal use from the Pacific Ocean beaches from November 1 through March 31 only.